

**COMMONWEALTH OF KENTUCKY  
BOARD OF TAX APPEALS  
FILE NO. K05-R-39**

**MASTIV TRUCKING CO.**

**APPELLANT**

**V.**

**ORDER NO. K-19616**

**TRANSPORTATION CABINET  
COMMONWEALTH OF KENTUCKY**

**APPELLEE**

The Transportation Cabinet filed a motion to dismiss the above styled appeal, stating Mastiv Trucking has failed to comply with the Board's letter dated December 6, 2005, requiring that it be represented by an attorney in this action. Mastiv Trucking has also failed to comply with Board's Prehearing Order dated December 7, 2005, by filing a pre-hearing compliance and exhibits 35 days prior to the date set for hearing. No response to the motion was filed by the Appellant.

The Kentucky Board of Tax Appeals upon review of the case and motion; **HEREBY ORDERS** this appeal be **DISMISSED**.

This is a final and appealable order. All final orders of this agency shall be subject to judicial review in accordance with the provisions of KRS Chapter 13B. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The

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petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

A party may file a petition for judicial review only after the party has exhausted all administrative remedies available within the agency whose action is being challenged, and within any other agency authorized to exercise administrative review.

A petition for judicial review shall not automatically stay a final order pending the outcome of the review, unless:

- (a) An automatic stay is provided by statute upon appeal or at any point in the administrative proceedings;
- (b) A stay is permitted by the agency and granted upon request; or
- (c) A stay is ordered by the Circuit Court of jurisdiction upon petition.

Within twenty (20) days after service of the petition of appeal, or within further time allowed by the Circuit Court, the Kentucky Board of Tax Appeals shall transmit to the reviewing court the original or a certified copy of the official record of the proceeding under review in compliance with KRS 13B.140(3).

**DATE OF ORDER: August 9, 2006**

**KENTUCKY BOARD OF TAX APPEALS  
FULL BOARD CONCURRING**

**NANCY MITCHELL  
CHAIR**